UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/904
31 July 1994

ORIGINAL: ENGLISH

Argentina, Canada, France and the United States of America:
draft resolution

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994 and 933 (1994) of 30 June 1994,

Recalling the terms of the Governors Island Agreement (S/26063) and the related Pact of New York (S/26297),

Condemning the continuing disregard of those agreements by the illegal de facto regime, and the regime's refusal to cooperate with efforts by the United Nations and the Organization of American States (OAS) to bring about their implementation,

Gravely concerned by the significant further deterioration of the humanitarian situation in Haiti, in particular the continuing escalation by the illegal de facto regime of systematic violations of civil liberties, the desperate plight of Haitian refugees and the recent expulsion of the staff of the International Civilian Mission (MICIVIH), which was condemned in its Presidential statement of 12 July 1994 (S/PRST/1994/32),

Having considered the reports of the Secretary-General of 15 July 1994 (S/1994/828 and Add.1) and 26 July 1994 (S/1994/871),

Taking note of the letter dated 29 July 1994 from the legitimately elected President of Haiti (S/1994/905, annex) and the letter dated 30 July 1994 from the Permanent Representative of Haiti to the United Nations (S/1994/910),

Reiterating its commitment for the international community to assist and support the economic, social and institutional development of Haiti,

Reaffirming that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, within the framework of the Governors Island Agreement,

Recalling that in resolution 873 (1993) the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the United Nations Mission in Haiti (UNMIH) or failed to comply in full with its relevant resolutions and the provisions of the Governors Island Agreement,

Determining that the situation in Haiti continues to constitute a threat to peace and security in the region,

1. Welcomes the report of the Secretary-General of 15 July 1994 (S/1994/828) and takes note of his support for action under Chapter VII of the Charter of the United Nations in order to assist the legitimate Government of Haiti in the maintenance of public order;

2. Recognizes the unique character of the present situation in Haiti and its deteriorating, complex and extraordinary nature, requiring an exceptional response;

3. Determines that the illegal de facto regime in Haiti has failed to comply with the Governors Island Agreement and is in breach of its obligations under the relevant resolutions of the Security Council;

4. Acting under Chapter VII of the Charter of the United Nations, authorizes Member States to form a multinational force under unified command and control and, in this framework, to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure and stable environment that will permit implementation of the Governors Island Agreement, on the understanding that the cost of implementing this temporary operation will be borne by the participating Member States;

5. Approves the establishment, upon adoption of this resolution, of an advance team of UNMIH of not more than sixty personnel, including a group of observers, to establish the appropriate means of coordination with the multinational force, to carry out the monitoring of the operations of the multinational force and other functions described in paragraph 23 of the report of the Secretary-General of 15 July 1994 (S/1994/828), and to assess requirements and to prepare for the deployment of UNMIH upon completion of the mission of the multinational force;

6. Requests the Secretary-General to report on the activities of the team within thirty days of the date of deployment of the multinational force;

7. Decides that the tasks of the advance team as defined in paragraph 5 above will expire on the date of termination of the mission of the multinational force;

8. Decides that the multinational force will terminate its mission and UNMIH will assume the full range of its functions described in paragraph 9 below when a secure and stable environment has been established and UNMIH has adequate

force capability and structure to assume the full range of its functions; the determination will be made by the Security Council, taking into account recommendations from the Member States of the multinational force, which are based on the assessment of the commander of the multinational force, and from the Secretary-General;

9. Decides to revise and extend the mandate of the United Nations Mission in Haiti (UNMIH) for a period of six months to assist the democratic Government of Haiti in fulfilling its responsibilities in connection with:

(a) sustaining the secure and stable environment established during the multinational phase and protecting international personnel and key installations; and

(b) the professionalization of the Haitian armed forces and the creation of a separate police force;

10. Requests also that UNMIH assist the legitimate constitutional authorities of Haiti in establishing an environment conducive to the organization of free and fair legislative elections to be called by those authorities and, when requested by them, monitored by the United Nations, in cooperation with the Organization of American States (OAS);

11. Decides to increase the troop level of UNMIH to 6,000 and establishes the objective of completing UNMIH's mission, in cooperation with the constitutional Government of Haiti, not later than February 1996;

12. Invites all States, in particular those in the region, to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant Security Council resolutions;

13. Requests the Member States acting in accordance with paragraph 4 above to report to the Council at regular intervals, the first such report to be made not later than seven days following the deployment of the multinational force;

14. Requests the Secretary-General to report on the implementation of this resolution at sixty-day intervals starting from the date of deployment of the multinational force;

15. Demands strict respect for the persons and premises of the United Nations, the Organization of American States, other international and humanitarian organizations and diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian or peace-keeping work;

16. Emphasizes the necessity that, inter alia:

(a) All appropriate steps be taken to ensure the security and safety of the operations and personnel engaged in such operations; and

(b) The security and safety arrangements undertaken extend to all persons engaged in the operations;

17. Affirms that the Council will review the measures imposed pursuant to resolutions 841 (1993), 873 (1993) and 917 (1994), with a view to lifting them in their entirety, immediately following the return to Haiti of President Jean-Bertrand Aristide;

18. Decides to remain actively seized of the matter.

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S/1994/905
29 July 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 29 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF HAITI TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to attach herewith a letter addressed to you from His Excellency Mr. Jean-Bertrand Aristide, President of the Republic of Haiti.

I should be grateful if you would arrange to have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

Annex

Letter dated 29 July 1994 from the President of the Republic of Haiti addressed to the Secretary-General

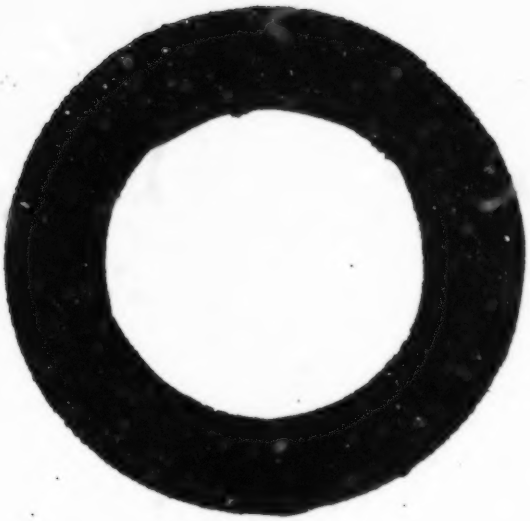
On 3 July 1993, under the auspices of the United Nations and the Organization of American States, the Governors Island Agreement was signed. It was supposed to bring about a solution to the Haitian crisis and allow for my return to Haiti on 30 October 1993. More than a year has passed since then.

Today, there is no longer any doubt that the High Command of the Armed Forces of Haiti in control of the nation has absolutely no intention of either respecting the commitments which it signed or facilitating the implementation of this Agreement. Quite to the contrary, the military authorities, continuing to display their contempt for national sovereignty, have adopted an arrogant, provocative attitude and have stepped up their acts of defiance against the international community, as witnessed by the illegal installation of a provisional president and the expulsion of the United Nations International Civilian Mission to Haiti (MICIVIH).

This attitude has contributed to an alarming deterioration of the human rights situation in Haiti and a dramatic increase in the suffering of the Haitian people, forcing them to seek refuge outside the country.

As a party to the Governors Island Agreement, I, for my part, have scrupulously respected my commitments thereunder. Therefore, I feel that the time has come for the international community, as a party in the process which led to that Agreement, to take prompt and decisive action, under the authority of the United Nations, to allow for its full implementation.

(Signed) Jean-Bertrand ARISTIDE



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S/1994/906
29 July 1994

ORIGINAL: ENGLISH

LETTER DATED 29 JULY 1994 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the report which I submitted to the Security Council on 26 July 1994 (S/1994/879) concerning the establishment of the Commission of Experts pursuant to paragraph 1 of Security Council resolution 935 (1994), I indicated my intention to appoint, in the first instance, three members of the Commission and to notify the Council of my appointments as soon as possible.

I wish to inform you that following extensive consultations, I have decided to appoint the following as members of the Commission: Mr. Atsu-Koffi Amega (Togo), Member of the African Commission on Human and Peoples Rights, former President of the Supreme Court and former Foreign Minister; Mrs. Habi Dieng (Guinea), Attorney-General; and Mr. Salifou Fomba (Mali), Professor of International Law, Member of the United Nations International Law Commission. I have asked Mr. Atsu-Koffi Amega to be the Chairman of the Commission.

As I also indicated in my report, I reserve the right to expand the membership of the Commission as necessary.

(Signed) Boutros BOUTROS-GHALI

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Security Council

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GENERAL

S/1994/907
30 July 1994

ORIGINAL: ENGLISH

LETTER DATED 11 JULY 1994 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter dated 11 May 1994 which the then President of the Security Council addressed to me concerning the financial emergency of the United Nations Compensation Commission (S/1994/567).

Having considered the matter further, I have come to the conclusion that the most effective way of obtaining the information required about exports of Iraqi petroleum and petroleum products immediately before the imposition of sanctions by the Security Council on 6 August 1990 will be to address the Governments with jurisdiction over the relevant petroleum companies and their subsidiaries.

I accordingly enclose, for the information of the Security Council, the text of a letter which, with minor variations, I have sent to the Governments of the following Member States: Belgium, Brazil, Canada, Croatia, Federal Republic of Yugoslavia (Serbia and Montenegro), France, Germany, Greece, India, Italy, Japan, Netherlands, Portugal, Russian Federation, Singapore, Spain, Thailand, Turkey, United Kingdom, United States.

(Signed) Boutros BOUTROS-GHALI

Annex

Letter dated 11 July 1994 by the Secretary-General

I should like to refer to Security Council resolution 778 (1992) which, as you will recall, was adopted because of the Government of Iraq's continued refusal to accept resolutions 706 (1991) and 712 (1991). By the latter resolutions the Council permitted the export by Iraq of a limited amount of petroleum which was to be used to finance the purchase of humanitarian goods for the Iraqi civilian population and to meet some of the financial obligations of Iraq arising from its illegal invasion and occupation of Kuwait. Included in those obligations was the payment of claims for any direct loss, damage or injury to foreign Governments, nationals and corporations sustained as a result of Iraq's aggression.

In its resolution 778 (1992) the Council decided that all States in which there were funds of the Government of Iraq, or its State bodies, corporations or agencies, that represented the proceeds of sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6 August 1990 (the date of the imposition of sanctions), should cause the transfer of those funds as soon as possible into an escrow account provided for in resolutions 706 (1991) and 712 (1991).

On 26 October 1992, as requested by resolution 778 (1992), I asked Governments to provide all relevant information that would assist in identifying assets relating to Iraqi petroleum or petroleum products [note verbale SCPC/1/92(12)]. As of this date, I have received information about approximately $1 billion in Iraqi assets subject to the provisions of resolution 778 (1992). However, less than $160 million representing Iraqi frozen oil assets or proceeds from the sale of oil have been deposited to the aforementioned escrow account.

I should also like to refer to my letter of 28 April 1994 (S/1994/566) to the President of the Security Council in which I drew the Council's attention to my concern over the emergency which the United Nations Compensation Commission is facing as a result of its lack of sufficient funds to pay awards to some of the victims of Iraq's invasion of Kuwait which are expected to be issued in October 1994. Those awards will amount to approximately $200 million. Thirty per cent of oil-related funds deposited to the escrow account referred to in resolution 778 (1992) was to be designated for the Compensation Fund.

In my letter to the Security Council I also noted that it was likely that the amount of $1 billion referred to above did not include all Iraqi petroleum and petroleum products exported immediately preceding the imposition of sanctions by the Security Council and for which payment would not have been completed when the sanctions took effect on 6 August 1990. According to oil industry sources, the value of such petroleum and petroleum products may amount to hundreds of millions of dollars. These funds fall under the provisions of resolution 778 (1992) relating to the reporting of petroleum assets subject to transfer to the escrow account. On 11 May 1994, the Security Council agreed to

my offer to seek information directly from oil companies in order to identify those funds and to arrange for their transfer to the escrow account.

As your country was one of the principal importers of Iraqi crude petroleum in 1990 (according to the Energy Statistics Yearbook), I should be grateful if you would kindly seek all relevant information from petroleum companies and their subsidiaries under your jurisdiction regarding the whereabouts and amounts of any Iraqi petroleum and petroleum products imported by those companies on or after 1 June 1990. Such information should include the description and quantity of the petroleum and petroleum products as well as their respective values on an FOB and CIF basis. Complete information should also be provided on the disposition of the proceeds of the sale of such petroleum or petroleum products.

I would be most grateful if the requested information could be communicated to me by 30 August 1994.

Boutros BOUTROS-GHALI

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Security Council

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S/1994/908
30 July 1994

ORIGINAL: ENGLISH

LETTER DATED 21 JULY 1994 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 11 July 1994 (S/1994/907), concerning the United Nations Compensation Commission has been brought to the attention of the members of the Security Council.

(Signed) Jamsheed K. A. MARKER
President of the Security Council

94-31114 (E) 300794 31/07/94

UNITED
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Security Council

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S/1994/909
30 July 1994

ORIGINAL: ENGLISH

NOTE VERBALE DATED 28 JULY 1994 FROM THE PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Denmark to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Security Council resolution 917 (1994) of 6 May 1994, has the honour to inform the Secretary-General about the measures taken by the Kingdom of Denmark to implement the above Security Council resolution.

The provisions contained in Security Council resolution 917 (1994) are being implemented in Denmark by a national Royal ordinance.

1. As a State member of the European Union, Denmark has implemented the measures which have been adopted by the Union. Consequently, trade and financial services as regards Haiti and any actions with the purpose of promoting such activities are prohibited and permission has been denied to any non-regularly scheduled aircraft to take off from, land in or overfly the Community if it is destined to land in or has taken off from Haiti, in accordance with the provisions of the Regulations (EEC) adopted by the Council on 30 May 1994. The Regulations are attached as an appendix to the Royal Danish ordinance.

2. The Royal ordinance imposes an embargo on the sale and supply of arms to Haiti, including on related material of all types and any assistance and spare parts related thereto.

The ordinance prevents the entry into Denmark of all officers of the Haitian military, their families and the major participants in the coup d'état of 1991. The freezing of the funds of the above-mentioned persons will take place by an appeal to the financial sector.

The ordinance commands that Haitian funds, including securities and liquid funds, shall be credited to blocked accounts in Danish financial institutions. The ordinance also establishes the penalties for violating the prohibitions set forth in the ordinance and in the Council Regulations.

Any person, including members of Boards of Directors of businesses, infringing the provisions of the ordinance or the Council Regulations are liable to a penalty in the form of a fine, mitigated imprisonment or, in case of aggravating circumstances, regular imprisonment not exceeding four years. Any proceeds liable to a penalty shall be confiscated.

3. The Danish authorities will monitor the embargo closely and maintain very strict export controls for as long as it remains in force.

In conclusion, all the provisions of Security Council resolution 917 (1994) are thus being fully implemented and in force in Denmark.

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S/1994/910
30 July 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 30 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF HAITI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to write to inform you of the agreement of the Government of President Jean-Bertrand Aristide with draft resolution S/1994/904, which the Security Council will be taking up at its forthcoming meeting.

The Government considers that this draft resolution provides an appropriate framework for the implementation of the Governors Island Agreement and hopes that it will be adopted by the Council.

(Signed) Fritz LONGCHAMP

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UNITED NATIONS **S**

Security Council

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GENERAL

S/1994/911
1 August 1994

ORIGINAL: ENGLISH

LETTER DATED 1 AUGUST 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The situation in Sarajevo continues to deteriorate seriously. Access routes used to bring in the overwhelming amount of humanitarian aid to the city have been blocked off by Karadzic's forces. While some other routes may be available intermittently, the blockage of these other roads greatly increases the cost and effort in providing humanitarian supplies for this besieged city. This unchallenged blockage also puts Karadzic's Serbs in a better position to pilfer incoming supplies more routinely. This is further aggravating the strangulation of Sarajevo at a time when the international community is experiencing severe donor fatigue and when winter is fast approaching.

In the last couple of days, Karadzic's snipers have shot 12 individuals riding Sarajevo's tram cars, resulting in the shut-down of the recently opened tram system. This has been a serious blow to the hopes of Sarajevo's citizens desperate to resume normal living conditions.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

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Security Council

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S/1994/912
1 August 1994
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 1 AUGUST 1994 FROM THE PERMANENT REPRESENTATIVE OF HONDURAS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I am writing to inform you that on 23 July 1994, the President of the Republic of Honduras, Mr. Carlos Roberto Reina, together with the other Central American Presidents, signed a Declaration concerning Haiti in which they expressed:

- Their firm commitment to peace, democracy and the development of the peoples and nations of our region, and their awareness of the human suffering created by the lack of democracy and the breakdown of the constitutional order in Haiti;

- Their dismay at the violation of human rights in Haiti, a situation which is contrary to the most basic principles underlying the international order and their view that this entails extremely serious and unacceptable acts which hamper the development of democracy in the American hemisphere;

- Their conviction that concerted action is needed to alleviate the plight of the Haitian people and their reaffirmation of the provisions of the Panama Declaration calling for the re-establishment of democratic institutions in Haiti and the provisions of the Guatemala Agenda reiterating their full support for the activities of the United Nations and the Organization of American States to restore the democratic order in that country;

- Heeding the appeal by the United Nations to the international community to increase assistance to meet the humanitarian needs of the Haitian population and as an effort on the part of the Central American region;

They declared:

1. Their determination as a region to join in the international effort to provide temporary asylum for Haitian refugees, having regard to the terms, time-frames, conditions and numbers determined by the individual Central

American countries and bearing in mind that this may be impossible for some countries in which peace negotiations are still under way, or which are still suffering from the effects of domestic armed confrontations in the form of displaced persons, returnees, and disarmed or demobilized persons who are in the process of readjusting to civilian life, or which have small territories and are overpopulated;

- That Governments which are in a position to do so will provide essential services to care for the Haitian refugees, such as integrated health teams and technical, agricultural and other training;

2. Their full support for the resolutions adopted by the United Nations Security Council and the Organization of American States Ad Hoc Meeting of Ministers for Foreign Affairs on Haiti with the aim of bringing about the speedy and full re-establishment of democracy and faithful compliance with the Governors Island Agreement and the New York Pact.

Pursuant to the Declaration of the Central American Presidents, the Government of the Republic of Honduras has decided, for purely humanitarian reasons and as it has done in recent years for other refugees from neighbouring countries and the Republic of Haiti, to provide asylum in Honduran territory for a six-month period for 5,000 refugees of Haitian origin, who will be placed under the coordination of the Office of the United Nations High Commissioner for Refugees (UNHCR), with the backing of the Government of the United States of America.

With respect to resolution 940 (1994), adopted by the Security Council on 31 July 1994, I should like to State, also on instructions from my Government, that Honduras will not support any military intervention in the Republic of Haiti pursuant to the unilateral decision of any Government and that it will intervene in Haiti only within the framework of an operation contributing to the maintenance of peace and the re-establishment of democracy in that country, in accordance with the principles enshrined in the Charter of the United Nations.

I request that the text of this letter be circulated as a document of the Security Council.

(Signed) Gerardo MARTINEZ BLANCO
Ambassador
Permanent Representative